

Exhibit 13

IN THE CIRCUIT COURT
OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION
CASE NO. 50-2017-CP-003091-XXXXMB

IN RE: THE ESTATE OF
ROGER AILES,

Deceased

/

TRANSCRIPT OF PROCEEDINGS

DATE TAKEN: APRIL 16, 2019
TIME: 9:36 A.M. - 9:59 A.M.
PLACE: PALM BEACH COUNTY COURTHOUSE
205 N. DIXIE HIGHWAY
WEST PALM BEACH, FL 33401
BEFORE: HONORABLE MAXINE CHEESMAN

This cause came to be heard at the time and place aforesaid, when and where the following proceedings were reported by:

RAQUEL ROBINSON, REGISTERED PROFESSIONAL REPORTER
FLORIDA PROFESSIONAL REPORTER
ROBINSON REPORTING, INC.
PO BOX 19248
WEST PALM BEACH, FL 33416

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1 APPEARANCES FOR THE PERSONAL REPRESENTATIVE:

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3 Jami L. Huber, Esq.

Jami L. Huber, P.A.

4 500 S. Australian Ave, Suite 500
West Palm Beach, Fl 33401

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7 ALSO PRESENT:

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9 Andrea Tantaros, Pro Se
154 W. 70th Street
New York, NY 10023

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1 THE COURT: Okay. Case number 2017-CP-003091.

2 In re: Estate of Roger Ailes.

3 MS. HUBER: Jami Huber on behalf of the estate
4 of Roger Ailes and Elizabeth Ailes, the personal
5 representative.

6 MS. TANTAROS: Andrea Tantaros on behalf of
7 myself.

8 THE COURT: And you are the creditor, right?

9 MS. TANTAROS: That's correct.

10 MS. HUBER: Basically, we're here on my motion
11 for entry of order denying the motion for rehearing
12 and final order striking claims. Have you received a
13 copy of my petition?

14 THE COURT: Yes.

15 MS. HUBER: Okay. So, basically, this hearing
16 is a matter of housekeeping. Simply that, to clean up
17 the record in that an order was never entered by this
18 Court on Ms. Tantaros' original motion for rehearing
19 and reconsideration of the March 2018 order striking
20 her claims.

21 So my petition went through a time line
22 which I thought would be helpful in terms of when
23 things occurred, when the period for claims was to be
24 made and, you know, how it was missed and what was
25 done in following. But it may be helpful just to go

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1 through it a little bit again just to bring you up to
2 date.

3 Mr. Ailes passed away on May 18th of 2017.

4 We're almost at the two-year mark. At the time of his
5 death, there were pending actions by and between Ms.
6 Tantaros and the decedent and Fox News in the New York
7 Supreme Court and in the Southern District of New
8 York, an arbitration proceeding commenced by Fox News
9 was coupled with Ms. Tantaros' complaint as filed in
10 the New York Supreme Court. So those were brought
11 together.

12 But on June 5th, 2017, Ms. Tantaros' lawyer
13 in the arbitration informed the Court that she was
14 voluntarily dismissing the claims against the
15 decedent, and I quote, "instead of waiting for his
16 estate to be substituted in", which was acknowledged
17 by the arbitration panel on the same day.

18 Then the following day, on June 6th, 2017,
19 Ms. Tantaros, by and through counsel, also voluntarily
20 dismissed the other action against the decedent in the
21 Southern District of New York, and an order was
22 entered on June 19th of 2017 dismissing Roger Ailes
23 from that case.

24 So, at the time that the estate was
25 opened, which was, this Court appointed Elizabeth

1 Ailes on July 27th, there were no pending actions
2 against Roger Ailes. Both of those had been
3 dismissed. And when letters were issued to Ms. Ailes,
4 she did not serve Ms. Tantaros because she was not a
5 known or reasonably ascertainable creditor because she
6 dismissed her claims.

7 But on August 15th and August 22nd, the
8 notice to creditors was published. And it began the
9 creditors period, which would end on November 15th,
10 2017. Importantly, and this was discovered later, on
11 October 5th, 2017, unbeknownst to the personal
12 representative, Ms. Tantaros moved to join The Estate
13 of Roger Ailes in the Southern District of New York
14 action, which was still pending. Remember he had been
15 dismissed from that action individually, and at this
16 point, I believe, she was moving to join the estate.
17 But this was not found out until later, because I
18 believe there were service issues. So on that date,
19 it shows unequivocally that Ms. Tantaros had notice
20 of, obviously, of his passing, but also that the
21 estate was being administered, because she sought to
22 join it.

23 But when November 15th came and went, Ms.
24 Tantaros failed to file a timely claim in this Court
25 in Mr. Ailes' estate. Her amended complaint in the

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1 Southern District of New York was filed on January 29,
2 2018, also after the creditors period, and named Roger
3 Ailes individually as a defendant, but still did not
4 name the estate.

5 Ms. Tantaros filed a statement of claim
6 against the estate on January 31st of last year,
7 over two months after the deadline. And, as stated,
8 the estate moved to strike that claim on February 2nd.
9 And then she filed an amended claim on February 21st,
10 a couple weeks later, which the estate also moved to
11 strike.

12 And at that point we've got almost a month
13 going on where there hasn't been anything done other
14 than filing claims and moving to strike. But this
15 Court entered an order striking both of those claims,
16 the original and the amended on March 8 of 2018, and
17 as you know, the first claim was filed January 31st.
18 A reasonable amount of time had passed.

19 On March 22nd, well after this Court had
20 struck the untimely claims, Ms. Tantaros, by and
21 through her counsel, filed a response and memorandum
22 in opposition to the petition for order striking the
23 untimely filed claim. So this is after they have
24 already been stricken. And a week later, on March
25 30th, she filed a motion for rehearing and

1 reconsideration in this Court of the order striking
2 the claim, or in the alternative, to have the Court
3 treat her March 22nd filing as a timely filed motion
4 for rehearing, because she had missed the date as well
5 to ask for a rehearing on that issue.

6 So we set the motion, specially set before
7 Judge Keiser on May 15th of last year. And in the
8 interim between March 22nd and May 15th, on April 6th,
9 Ms. Tantaros, by and through counsel, filed a notice
10 of appeal which brought this case up to the appellate
11 court also seeking to overturn the order striking her
12 claim.

13 On May 15, 2018, I appeared, other counsel
14 appeared and Ms. Tantaros' counsel appeared, but Ms.
15 Tantaros was unable to appear. I believe she was
16 dealing with estate matters in New York at the time.
17 And she filed an affidavit advising the court of same.
18 And when we appeared before the Court, the judge said,
19 "I agree with counsel. I really don't have
20 jurisdiction to hear this matter. It's on appeal.
21 The jurisdiction is moot."

22 So we discussed and agreed that we should
23 relinquish jurisdiction from the appellate court to
24 bring it back, because the Court still had not made a
25 determination whether or not to grant a rehearing on

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1 that motion. It was not an order that would reset the
2 motion. It was just to have her actually determine
3 whether or not she was going to grant the hearing.

4 On May 17th we filed that joint order giving
5 45 days. During those 45 days I had health issues, as
6 Ms. Tantaros alluded to in her communication with the
7 Court. I don't know if you received it, but I did. I
8 filed a notice of unavailability. I was battling
9 cancer. But I basically had some time out of the
10 office for part of last year. But during that time,
11 we extended for 45 days, and upon request of counsel,
12 we extended again for 45 days. And even after the
13 45-day period was extended the second time by
14 agreement, no new hearing was ever set by Ms. Tantaros
15 or her counsel.

16 Unfortunately, Ms. Tantaros' counsel
17 withdrew as her counsel both in this court and in the
18 appeal on August 14th and 17th respectively. And each
19 court, both this one and the appellate court gave her
20 20 days to obtain new counsel. And the appellate
21 court also put the onus on Ms. Tantaros to keep them
22 informed, and also that if additional requests were
23 necessary to extend relinquishment of the
24 jurisdiction, that it would be on her to request it.

25 No further request was made. It went back

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1 up to the appellate court. No new counsel appeared in
2 either matter, no hearing was set.

3 The appellate court reached out to Ms.

4 Tantaros several times in the fall of last year asking
5 for a status update. I believe I attached copies of
6 those to my motion. And the appellate court, after
7 giving her opportunity, dismissed her action on
8 November 15th, after sending those notices which went
9 without reply.

10 These claims were originally stricken for
11 failure to be filed timely. This is a hard deadline
12 by our courts and there's a reason for it,
13 specifically because it keeps an estate open and
14 subjects it to claims unnecessarily. It's a hard line
15 rule, absent other extenuating circumstances.

16 Ms. Tantaros, unfortunately, sat on her
17 rights as to any rehearing in this court and in the
18 appellate court, and effectively abandoned seeking
19 relief in either court. The original order striking
20 her claim should be deemed final and dismissed with
21 prejudice, as well as her motion for rehearing denied.
22 This Court gave the opportunity to be heard and it
23 wasn't taken. And we did sit here with Judge Keyser
24 and talked about whether or not a rehearing would be
25 advisable, and she would not address the issue until

1 jurisdiction came back to her. But when it did
2 nothing was filed at the time.

3 There are other issues out of state, I
4 believe that that's exactly where they are. They're
5 out of state. And this Court can only focus on that
6 which is before it, which would be the claims in this
7 estate. It does not necessarily change anything that
8 happens in the Southern District of New York, the
9 arbitration, anything that's going on. But this Court
10 needs to have an order with regard to her original
11 motion, because since that wasn't set for hearing, I'm
12 effectively setting it for hearing right now and then
13 I'm asking for a final order. Thank you so much, Your
14 Honor.

15 THE COURT: Thank you. Ms. Tantaros...

16 MS. TANTAROS: I do have some corrections I
17 want to make to Ms. Huber's timeline. Yes, it's true,
18 Mr. Ailes passed away when we were in arbitration, a
19 sexual harassment hostile workplace and retaliation
20 arbitration against Mr. Ailes, Fox News Channel and a
21 number of others.

22 My counsel at the time wrote counsel for
23 Elizabeth Ailes, who we expected to be the
24 administrator, on July 5th asking if this would be
25 probate and who would be the administrator. Mr.

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1 Calamari, who represents Ms. Ailes in the estate in
2 New York, said that he was not sure. He did not know.
3 We dismissed Mr. Ailes because we were going to add
4 him back. We dismissed without prejudice while we
5 were waiting for the estate to be formed.

6 The paperwork for the estate was filed on
7 May 28th. So on July 5th, Mr. Calamari, and I have
8 the e-mails right here, essentially lied to my counsel
9 when he said he wasn't sure whether this was going to
10 be probated. He would have had knowledge at the
11 time --

12 MS. HUBER: Objection.

13 MS. TANTAROS: -- of where the estate was
14 going to be probated because of the paperwork that had
15 been filed and who the administrator would be. That
16 was on July 5th. Subsequently --

17 THE COURT: You can't really attest to what he
18 knew. So I'm going to sustain the objection.

19 MS. TANTAROS: Okay. I only have the e-mails
20 and I can only say that he was dismissed without
21 prejudice with the intention to add him back in, which
22 is exactly what we did. On October 5th, Ms. Huber is
23 correct, on October 5th, there was an action filed in
24 the Southern District of New York that included the
25 Estate of Roger Ailes. And on that day, on October

1 5th, there was a motion filed to add the estate of
2 Roger Ailes, which would have been within the time
3 line of this specific court to bring any claim against
4 the estate, October 5th. So that was plenty of time.

5 So Ms. Ailes claiming that she didn't know
6 that I was a reasonably ascertainable creditor is not
7 believable. She would have known, because that was a
8 very, very, very timely filed motion.

9 Also, we added a motion to the arbitration
10 to substitute the Ailes Estate. That was granted by
11 the American Arbitration Association on December 14th
12 of 2017. And it was reaffirmed by the New York State
13 Supreme Court. The words that Ms. Huber cites from
14 Judge Cohen did not come out of his mouth. He didn't
15 mention the probate action in Florida. He simply said
16 these claims stand. This is a timely filed claim.
17 Under New York law you have two years to continue on
18 arbitration. If someone dies or is deceased, you have
19 two years to bring your claims against that person.
20 And so your claims are timely filed. And I will
21 reaffirm the triple A's decision. That was the
22 outcome of the hearing on May 16th, 2017.

23 So we are well into this arbitration that's
24 coming to a close with multiple claims against the
25 estate of Roger Ailes, multiple timely filed claims.

1 One of the issues is that a paper was filed with this
2 court, Your Honor, a petition to extend time for
3 filing final accounting and petition for discharge.
4 In number five it says the only persons, other than
5 the petitioner, having an interest in this proceeding
6 and their respective addresses are, and it states
7 none. Which would be a misrepresentation to this
8 Court, because my case against the Ailes estate that
9 is ongoing, this action, is in contingency. And I am
10 a likely ascertainable creditor, given this is a very
11 significant multimillion dollar arbitration that is
12 almost over. We're in the throes of it, as we speak.
13 So the Ailes estate has been participating in this
14 arbitration.

15 Also, during the hearing on May 16th, Your
16 Honor, the Ailes estate took no issue with the claims
17 that were brought or that they were timely filed.
18 They simply wanted to have a second arbitration
19 between myself and the Ailes Estate. So they had no
20 issue with the claim that I was bringing, they
21 proposed to Justice Cohen that we have a separate
22 arbitration, which the judge did not agree to because
23 he believed that I did not have an arbitration
24 agreement with the estate, so he would then order them
25 to participate in this arbitration. So it's not that

1 they had an issue with the claims or that they were
2 untimely filed. The estate wanted a separate
3 arbitration, and the judge denied that request.

4 When the paperwork was originally filed with
5 this Court, Your Honor, the presiding judge at the
6 time, Janice Keyser, made her ruling to strike my
7 claims five days before she received our reply papers,
8 the papers filed by my prior counsel, five days. We
9 reached out to the counsel that preceded Ms. Huber,
10 Mr. Paul Baldovin, to ask him if he would consider
11 having a rehearing since my due process was denied,
12 and he did not respond to prior counsel. Thus, we
13 sought to have another hearing on this issue, because
14 I was denied due process, so that my claims could be
15 heard and the evidence could, in fact, be heard by
16 this Court.

17 We did seek an extension from the appellate,
18 because we did file a motion to appeal, and we were
19 granted a 45-day extension. Ms. Keyser was inclined
20 to give us that hearing, that evidentiary hearing.

21 THE COURT: What was the appeal on?

22 MS. TANTAROS: The appeal was on --

23 THE COURT: Striking of the claims?

24 MS. TANTAROS: Yes, Your Honor. So she was
25 inclined to have that hearing. We needed the

1 appellate to relinquish its jurisdiction in order for
2 her to have a rehearing and to reconsider.

3 Unfortunately, Ms. Huber was ill and was not
4 able to accommodate the hearing in the 45-day time
5 period. There was another litigator that could have
6 handled the issue at the time, I'm not sure why that
7 was. But then we did seek a second extension with the
8 appellate to accommodate the Ailes Estate to have this
9 hearing. I discussed with counsel whether or not we
10 should continue with the appeal based on the fact that
11 the arbitration was well underway and we were -- there
12 are confidentiality rules around the arbitration, Your
13 Honor, you understand why I can't --

14 THE COURT: I really can't even comment on
15 what's going on there anyway. So you can cut out all
16 of that.

17 MS. TANTAROS: Exactly. And I'm not allowed
18 to comment on the details of it, as well. But as soon
19 as they were ordered into the proceeding on May 16th,
20 Your Honor, the estate was a participant and continues
21 to be a participant with multiple claims against it.
22 So we've been in litigation up and to this point.

23 The appeal, contrary to the representations
24 made by Ms. Huber, nothing was abandoned, in fact, my
25 claims are very well alive and proceeding in a

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1 confidential arbitration. The rehearing, again, did
2 not occur because we asked for two separate extensions
3 and opposing counsel was not able to appear at these
4 hearings. There appeared to be no reason to appeal
5 this decision at the time because the arbitration was
6 well underway deeming me a very likely ascertainable
7 creditor.

8 So I know that, according to the document I
9 referenced earlier, the petition to extend time for
10 filing final accounting and petition for discharge of
11 the estate with this court is until September 30th,
12 2019. That's when I believe the estate anticipates it
13 will have its legal issues resolved with the Internal
14 Revenue Service. But it is a misrepresentation to say
15 that I don't have an interest in the estate's
16 finalization. I do, I'm a very likely ascertainable
17 creditor. And given ten days for this hearing, I've
18 been in touch with Ms. Huber back and forth about
19 scheduling the hearing in front of Your Honor to give
20 me time to bring counsel in, of course, so I wouldn't
21 have to appear by myself. And I have to travel quite
22 a ways to get here, and I did for ten days. But I
23 would humbly ask that because the estate won't be
24 finalized until at least September 30th, when there's
25 a very good chance that the arbitration will be over

1 by then, I humbly ask Your Honor to at least afford
2 the time for me to retain counsel and have a hearing,
3 since the prior presiding judge was willing to have a
4 rehearing on the issue.

5 MS. HUBER: The Court hasn't necessarily said
6 that she was willing to have a rehearing on this
7 issue. On that date, on May 15th, she said she was
8 going to listen to arguments as to whether or not to
9 give a rehearing on the order. That is what the
10 hearing was about. It was a hearing on whether or not
11 to grant a rehearing. That hearing was never made,
12 and she has had since August 14th of last year to
13 retain counsel. That is when her counsel stepped
14 off.

15 I believe we're comparing apples and
16 oranges, because we're dealing with issues that are in
17 this Court, as opposed to issues that are pending in
18 the arbitration in New York. What's important here is
19 the claims that were filed that were basically
20 abandoned for this long.

21 Yes, I had some time out of the office
22 there's no question. It's part of the record. I have
23 a notice of unavailability that shows the start and
24 stop dates. I was certainly back in the office by
25 August 14th. And I was certainly in the office before

1 then and all the way through the fall until November
2 of my, you know, of another surgery. But there's no
3 question that there was ample time to have this heard.

4 The closure of the estate is not before the
5 Court today. What's before this Court is simply an
6 order on the rehearing, which I believe this Court
7 should deny. The question isn't whether or not
8 there's pending matters of any kind in any
9 jurisdiction among these parties.

10 I believe, obfuscating the issue is not to
11 the benefit of the estate. Our question is limited to
12 the original motion for reconsideration and rehearing
13 as filed by Ms. Tantaros by and through counsel
14 literally over a year ago, seeking a rehearing on this
15 order, which dismissed her untimely filed claims.

16 There are only so many bites one may take at
17 the apple. There's been ample time and opportunity
18 available, both while she was represented by counsel
19 and after. And we've given a lot of leeway,
20 particularly because she's a pro se litigant, agreeing
21 to extensions both in the appellate court and anything
22 she needed down here. But even the appellate court
23 felt that she was unresponsive when the onus was on
24 her to pursue. The appellate court saw fit to dismiss
25 the action as abandoned and we ask that this Court do

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1 so as well.

2 THE COURT: Okay. The probate rules are very
3 strict, especially with, you know, we have to comply
4 with exactly what it says. There is a time for
5 creditors to file their claims. Any claims that are
6 not filed within that period are barred. The
7 publication was August 15, 2017. The time for the
8 expiration of claims was November 15, 2017. And I
9 understand that you took out Mr. Ailes and then
10 substituted the estate on October 5, 2017. So at that
11 point a claim should have been filed down here. By
12 not filing that claim, essentially, your claim is
13 barred. It's stricken.

14 Your request for rehearing, given all the
15 circumstances, it was appealed, the motion to strike,
16 the striking of the claim was appealed. It was
17 dismissed by the appellate court. It's back here.
18 And I don't see there is going to be any benefit to a
19 rehearing. So a rehearing is denied. Please produce
20 an order.

21 (Hearing concluded at 9:59 a.m.)

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1 THE STATE OF FLORIDA)

2 COUNTY OF PALM BEACH)

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5 I, Raquel Robinson, RPR, certify that I was
6 authorized to and did stenographically report the
7 foregoing proceedings and that the transcript is a true
8 and complete record of my stenographic notes.

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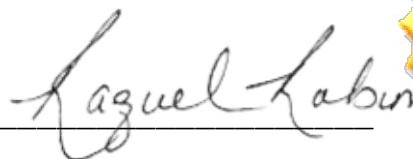
12 Dated this 17th day of June, 2019.

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Raquel Robinson



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